

May 24, 2004

Marlene H. Dortch,  
Office of the Secretary  
Federal Communications Commission  
Portals II  
445 12<sup>th</sup> Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

Re: ET Docket No. 04-35, New Part 4 of the Commission's Rules Concerning  
Disruptions to Communications

Dear Ms. Dortch:

Enclosed please find the Connecticut Department of Public Utility Control's comments filed in response to the Federal Communications Commission's Notice of Proposed Rulemaking released on February 23, 2004, in the above noted docket.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise Rickard  
Acting Executive Secretary

Enc.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
New Part 4 of the Commission's Rules	)	
Concerning Disruptions to Communications	)	
	)	ET Docket No 04-35
	)	

COMMENTS OF THE CONNECTICUT  
DEPARTMENT OF PUBLIC UTILITY CONTROL

Donald W. Downes  
Chairman

Jack R. Goldberg  
Vice-Chairman

John W. Betkoski, III  
Commissioner

Linda Kelly Arnold  
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Anne C. George  
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Connecticut Department of  
Public Utility Control

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**I. INTRODUCTION**

The Connecticut Department of Public Utility Control (CTDPUC) hereby submits the following comments in support of the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking (NPRM) released on February 23, 2004, in the above noted proceeding. In the NPRM, the Commission proposes to extend its disruption reporting requirements to communications providers that are not wireline carriers.<sup>1</sup> The Commission also proposes to move the outage-reporting requirements from Part 63 of its rules to Part 4.<sup>2</sup> Lastly, the Commission proposes to streamline compliance with its reporting requirements through an electronic filing template and simplifying the application of its rules.<sup>3</sup>

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<sup>1</sup> NPRM, ¶ 1.

<sup>2</sup> Id.

<sup>3</sup> Id., fn 3.

The CTDPUC believes that the Commission's proposal to expand the types of services that would be subject to disruption reporting is in the public interest because it would provide for uniform reporting across the communications industry. The CTDPUC also believes that the Commission's proposal eliminates complex and burdensome reporting requirements. Additionally, the Commission's attempt to introduce an electronic filing template is consistent with its current filing requirements and those required by various state commissions. Adoption of the Commission's electronic filing template would ensure the proper submittal of data which permits the Commission to effectively evaluate communications company service disruptions as they might occur. Accordingly, the CTDPUC recommends that the Commission's proposed changes to its disruption reporting requirements be adopted.

## **II. DISCUSSION**

The CTDPUC is aware that various communications technologies (including wireless communications and satellite communications) are not currently subject to the Commission's wireline service disruption reporting requirements. Since the Commission's current rules were adopted more than 10 years ago, the communications industry in general has witnessed the introduction and furtherance of a divergent number of technologies and providers into the communications marketplace. Customers have often readily subscribed to these new services and technologies that in effect, complemented and in some cases, substituted their existing wireline service. Given the need for a reliable communications network regardless of the service platform, as well as the recognition of this country's dependence on communications services, it is essential that all providers be subject to disruption reporting rules that are

similar to those currently required of the wireline common carriers. As demonstrated by the Commission, its established rules have been successful in permitting the causes of services disruptions to be identified and corrected.<sup>4</sup> In the opinion of the CTDPUC, the wireless, cable circuit-switched telephony and satellite communications providers should also be held to the same standards as wireline common carriers so that there is a balance between protecting the public interest and fostering competition.

Accordingly, the CTDPUC supports the Commission's proposal to establish a common metric that can be applied to various providers of communications (i.e., wireline, wireless, cable and satellite communications).<sup>5</sup> In the opinion of the CTDPUC, the reporting of disruptions employing these newly defined measurements should be easily adopted by the providers and more accurately reflect the various communications service disruptions that they might experience. The CTDPUC also believes that the new measurement will reduce to a common level (i.e., minutes of use), a reportable metric that can be readily reported, reviewed and evaluated by all providers as they develop best practices. The proposed metrics should also afford the Commission the ability to evaluate and address communications reliability, regardless of the provider and service platform. In that light, the CTDPUC supports the Commission's efforts to simplify reporting requirements for communications disruptions.

The CTDPUC also supports the simplification of reporting requirements associated with special offices and facilities that have the potential to affect the ability to complete 911 calls. Similar to the above and in light of the availability of new services

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<sup>4</sup> Id., ¶¶ 4 and 6.

<sup>5</sup> Id., ¶ 22 and 23.

and technologies, all communications providers must be subject to the same reporting requirements.

Additionally, the CTDPUC supports the removal of unnecessary, duplicative reporting requirements (e.g., outage reports due to fires) that have been more than adequately provided for under the NPRM.<sup>6</sup> The CTDPUC is encouraged by the Commission's decision to delete unnecessary reporting requirements and minimize the administrative burden placed on the carriers as they tend to lead to higher carrier costs and ultimately, service prices.

Relative to the Commission's proposal to simplify the time period associated with the filing of the initial disruption report, the CTDPUC believes that its proposed reporting requirements as well as the use of electronic filing make reporting of such events within 120 minutes of their discovery appropriate. The proposed revision clarifies the service disruption threshold that must be reported and when coupled with the requirement that they be reported electronically (through the use of a "fill in" blank template), leaves little reason for the communications providers to notify the Commission within two hours of a disruption's discovery.<sup>7</sup> Clearly, the simplified administrative process should permit the carriers to quickly submit their disruption reports in a timely and efficient manner. Notwithstanding the above, the CTDPUC believes that providers should be afforded nothing less than the 120 minutes provided for by the Commission to make their reports.

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<sup>6</sup> Id., ¶ 26.

<sup>7</sup> Id., ¶ 30.

CTDPUC also supports the Commission's proposal to modify its requirement for final disruption reports.<sup>8</sup> In order to fully evaluate all reportable service outages/disruptions, the Commission should be supplied with all data so that it can effectively evaluate service provider outages/disruptions. The Commission's proposed revisions provide the minimal level of data that, based on its experience, the Commission has deemed necessary.<sup>9</sup> In the opinion of the CTDPU, the provision of such data by the affected carriers is reasonable and therefore, should be adopted.

Further, the CTDPU supports the Commission's requirement that all entities, including those providers that may not be affiliated with the provider be subject to the same reporting requirements.<sup>10</sup> The Commission is correct that there are an increasing number of complex communications arrangements that are currently being offered to the public. In order to fully evaluate service outage issues, all data should be required from the subject providers so that service disruptions can be effectively evaluated by the Commission and reviewed by the industry for purposes of developing of best practices. Absent such data, the Commission's evaluation may be incomplete and perhaps lead to "finger pointing" between the various service providers. Accordingly, all providers should be subject to these revised reporting requirements.

Moreover, the CTDPU supports the Commission's proposal to establish the outage-reporting criteria for DS3 and SS7 infrastructure failures.<sup>11</sup> In light of end user dependence on DS3 facilities, the public interest is best served when requiring service disruption at this level be reported. The CTDPU believes that the Commission's

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<sup>8</sup> Id., ¶ 31.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id., ¶ 46.

proposal to directly address the underlying issue of infrastructure failures would provide for a more efficient evaluation by the Commission.<sup>12</sup> Similarly, the CTDPUC supports the necessity for SS7 systems outage reporting given the underlying role these systems provide to today's telecommunications networks. Clearly, the importance of DS3 and SS7 systems' attributes have been demonstrated and exemplify the need for their special treatment relative to outage reporting.<sup>13</sup>

Finally, the Commission proposes that the outage reports be filed on an electronic basis.<sup>14</sup> In support of its proposal, the Commission has offered a number of advantages associated with electronic filing.<sup>15</sup> The CTDPUC believes that the electronic filing of such reports is consistent with the Commission's (and some state commission) current filing requirements, would be administratively expedient and would facilitate compliance with the Commission's objectives. Accordingly, the CTDPUC recommends that they be formally adopted by the Commission.

### **III. CONCLUSION**

The Commission has proposed service disruption rules that revise existing complex and burdensome rules putting into place those that appear to be administratively efficient. The revised rules recognize the various service platforms that are currently in use and afford an acceptable balance between protecting the public interest and promoting competition. The Commission has demonstrated that while the existing requirements are outdated relative to the types of providers that currently report disruption data, the existing rules form an acceptable basis from which the revised rules

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<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id., ¶ 50.

<sup>15</sup> Id.



can be promulgated. Adoption of the Commission's proposal will afford all carriers a better indication of service disruptions in the communications arena and provide for the greater sharing among the carriers so that the development of best practices is facilitated and adhered to by all of those concerned. Accordingly, the CTDPUC recommends that the proposed rules be adopted by the Commission.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF  
PUBLIC UTILITY CONTROL

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Connecticut Department of  
Public Utility Control  
Ten Franklin Square  
New Britain, CT 06051

## **CERTIFICATION**

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Miriam L. Theroux  
Commissioner of the Superior Court